



# *Legislative Briefing*

## Child Porn Sting Nets 13 Arrests

The Utah Attorney General's Office has filed charges against 13 Utahns following an undercover sting investigation into the largest known commercial child pornography business.

The two-year investigation, known as Operation Avalanche, began with a Texas company that charged customers a monthly fee for Internet access to child pornography. The web site had about 250,000 subscribers; 247 were located in Utah. The operation has led to more than 100 arrests in 37 states; more charges are expected.

## Court Upholds Child Porn Law

The Utah Supreme Court recently upheld the convictions of two men who had argued that Utah's law against possession of child pornography was too broad and too vague.

Gary Davis Peterson claimed the nude photos he downloaded from the Internet were not for purposes of sexual arousal. The Court agreed with the State's position that the law covers the material's content, not the intent of the possessor.

Raymond Dean Morrison, who pleaded guilty to 20 counts of sexual exploitation of minor after downloading thousands of images of child pornography, argued that punishing him for multiple counts of the same crime is "cruel and unusual." The court again agreed with the State, ruling that the intent of law is to punish a perpetrator each time a minor is exploited.

## Utah's Libel Law Faces Challenge

Utah's criminal libel statute is being challenged by Ian Michael Lake, a former Milford High School Student who faces a class B misdemeanor for posting negative but not threatening remarks about school officials and students on the Internet. Lake filed an appeal after the 5th District Juvenile Court refused to dismiss the charge. Assistant Attorney General Laura Dupaix will defend the law's constitutionality before the Utah Supreme Court.

## AG Tours Utah to Talk About Internet Safety

With computers in two-thirds of Utah homes and the increasing incidence of child exploitation on the Internet, Attorney General Shurtleff will soon hit the road to talk to Utah families about Internet safety.

Over the next two months Shurtleff and the Internet Crimes Against Children Task Force will visit 12 communities to explain the dangers and offer safety tips.

<b>Ogden</b> Weber State Shepherd Union	9/4 7 p.m.	<b>Provo</b> BYU Wilkinson Center	10/2 7 p.m.
<b>Logan</b> Bridgerland Applied Technology Center	9/7 7 p.m.	<b>Tooele</b> Tooele County Bldg.	10/8 7 p.m.
<b>Layton</b> Layton City Hall	9/10 7 p.m.	<b>Salt Lake</b> Riverton High	10/15 7 p.m.
<b>Cedar City</b> SUU Sharwan Smith Center	9/13 7 p.m.	<b>Salt Lake</b> Skyline High	10/29 7 p.m.
<b>St. George</b> Dixie College Dunford Auditorium	9/17 7 p.m.	<b>Salt Lake</b> Granger High	10/30 7 p.m.
<b>Vernal</b> Vernal Middle School	9/25 7 p.m.	<b>Richfield</b> Snow College South Conference Center	11/1 7 p.m.
<b>Price</b> Civic Auditorium	9/26 7 p.m.	<b>Salt Lake</b> Jordan High	11/8 7 p.m.
<b>Moab</b> Moab Valley Inn	9/27 7 p.m.		

Shurtleff will meet with school children, law enforcement, and other groups prior to the evening presentations. For more info, call (801) 579-4521.

## Utah Collects From Major Vitamin Manufacturers

The world's six largest vitamin manufacturers have agreed to pay Utah and six other states \$4.4 million to settle an antitrust lawsuit alleging a 10-year price fixing conspiracy. Utah's share is \$328,911. States with an indirect purchaser law, which authorizes the attorney general to recover overcharges that were passed on to consumers, recovered about seven times Utah's amount. Attorney General Shurtleff is recommending that the Legislature consider legislation authorizing the attorney general to recover damages on behalf of indirect purchasers.

## Utah Argues Against "Guessing" in Census

The battle to keep "phantom residents" out of the 2000 Census was waged before a three-judge panel in U.S. District Court. The Attorney General's Office argued that the Census Bureau prevented Utah from getting an additional voice in Congress by "guessing" part of the count. Utah was 847 people short of getting a fourth seat in the U.S. House of Representatives. The disputed numbers gave North Carolina 27,062 more people than Utah. A ruling is expected soon.

## Legacy Parkway Gets the Green Light

Construction of the Legacy Parkway can move forward now that a federal judge has rejected a lawsuit contending that the road will create more traffic congestion and asking for further study. Assistant Attorney General Tom Mitchell represented the State and on August 13 US District Judge Bruce Jenkins ruled in UDOT's favor, finding that transportation officials adhered to federal requirements while studying the environmental impact of the project.

## LaVerkin Amends Anti-UN Ordinance

LaVerkin's city council amended its anti-UN ordinance after meeting with Attorney General Mark Shurtleff and city attorney Lowry Snow. Both advised the city that the original ordinance violated an individual's right to free speech, assembly, and fair treatment under the law. The amended ordinance drops language that required residents who work for the United Nations or its affiliates to post a sign, pay a fee, and file an annual report.

## Medicaid Fraud Unit Gets Thief for Stealing Nest Egg

On August 3 Christopher John Nowell was ordered to serve the maximum sentence of 15 years and pay \$60,000 in restitution for stealing tens of thousands of dollars from his ailing grandparents. The Tooele man pleaded guilty to exploitation of an elder adult after the Attorney General's Medicaid Fraud Unit discovered he had pocketed money from his grandparents' account instead of paying for their nursing home costs.

## Attorney General Joins in "Night Out Against Crime"

Attorney General Shurtleff recently visited many local communities to celebrate "Night Out Against Crime." Shurtleff encouraged residents in Magna, Taylorsville, Kearns, South Salt Lake, and Draper to support community policing efforts.

## STATE ARGUES GANG CRIME WARRANTS EXTRA TIME

The Attorney General's Office has asked the Court of Appeals to uphold the 1997 murder conviction of gang leader Tyrese Smith, who claims the judge violated his constitutional rights by adding an extra nine years to his sentence as a gang enhancement.

In 1999 the Utah Supreme Court ruled that juries, rather than judges, must decide if a gang crime warrants extra prison time. Assistant Attorney General Chris Soltis argued that a jury would have reached the same conclusion about the gang enhancement that the judge did. A ruling is expected later this year.

## COURT AFFIRMS CHILD RAPE CONVICTION

The Utah Supreme Court rejected a convicted child rapist's claim that his prison sentence of 15 years to life is cruel and unusual punishment. Hector Eduardo Reyes of Cedar City pleaded guilty to one count of rape of a child in 1998 after investigators discovered a tape of Reyes raping his 11-year-old daughter.

## MURDER CONVICTION UPHELD

The Utah Supreme Court upheld the conviction of Hilario Medina-Juarez for the 1997 murder of Edward Livsey in Emigration Canyon. An eyewitness testified that the defendant killed Livsey after he picked them up at a homeless shelter. Medina-Juarez appealed his conviction on several grounds; all were denied.

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please call Ryan Mecham at 538-1948 or Attorney General Mark Shurtleff at 538-1191. Thank you.